

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

**ASSOCIATION OF AMERICAN  
PHYSICIANS AND SURGEONS  
EDUCATIONAL FOUNDATION,**

**Plaintiff,**

**V.**

**AMERICAN BOARD OF INTERNAL  
MEDICINE, AMERICAN BOARD OF  
OBSTETRICS & GYNECOLOGY,  
AMERICAN BOARD OF FAMILY  
MEDICINE, and ALEJANDRO  
MAYORKAS, in his official capacity as  
the Secretary of the U.S. Department  
of Homeland Security,**

## Defendants.

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**Case No. 3:22-cv-240**

**AGREED MOTION TO VACATE INITIAL SCHEDULING AND PRE-TRIAL  
CONFERENCE AND DEADLINE FOR THE JOINT DISCOVERY AND CASE  
MANAGEMENT PLAN**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiff Association of American Physicians and Surgeons Educational Foundation (“Plaintiff”) and Defendants American Board of Obstetrics & Gynecology (“ABOG”), American Board of Internal Medicine (“ABIM”), American Board of Family Medicine (“ABFM”), and Alejandro Mayorkas, in his official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”) (collectively, the “Defendants”), and file this Agreed Motion to Vacate the Initial Scheduling Conference

and the requirement to file a Joint Discovery/Case Management Plan. Plaintiff and Defendants collectively are the “Parties.” In support thereof, the Parties respectfully show as follows:

1. Plaintiff filed this lawsuit on July 12, 2022.
2. On August 26, 2022, the Court entered a scheduling order implementing the schedule for dispositive briefing under Federal Rule of Civil Procedure 12 that the Parties had requested in their Agreed Motion to Extend Deadline to File Responsive Pleadings and Set Briefing Schedule. *See* ECF Nos. 10, 11.
3. In light of the scheduling order now governing the case, the Parties believe that the joint case management statement and discovery plan, which is currently due on October 28, 2022, *see* ECF No. 5, has been superseded.
4. The Parties also believe that, in light of the scheduling order now governing the case, the initial scheduling conference and pre-trial conference set for November 9, 2022, has also been superseded.
5. The Parties also believe that, if this motion were granted, it would suspend the initial disclosures requirement.
6. The Parties therefore respectfully request that the Court grant this Agreed Motion, suspend the initial disclosures requirement, and vacate both the deadline for the Joint Discovery and Case Management Plan and the Initial Scheduling and Pre-trial Conference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Association of American Physicians and Surgeons Educational Foundation and Defendants American Board of Obstetrics & Gynecology, American Board of Internal Medicine, American Board of Family Medicine, and Alejandro Mayorkas, in his official capacity as the Secretary of the U.S. Department of Homeland Security respectfully request that this Court grant this Motion, suspend the initial disclosures requirement, and vacate both the deadline for the Joint Discovery and Case Management Plan and the Initial Scheduling and Pre-trial Conference.

Dated: October 19, 2022

Respectfully submitted,

/s/Laurel H. Lum

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official capacity as the Secretary of the  
U.S. Department of Homeland  
Security**

**AGREED AND ENTRY REQUESTED:**

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**ATTORNEY FOR PLAINTIFF ASSOCIATION OF AMERICAN PHYSICIANS  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been delivered to all parties of record, in compliance with the Court's ECF/CM system and/or Rule 5 of the Federal Rules of Civil Procedure, on the 19th day of October, 2022.

/s/Laurel H. Lum

Laurel H. Lum